

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

THE STATE OF ARIZONA,
DEPARTMENT OF LAW, CIVIL
RIGHTS DIVISION, and ANGELA
AGUILAR,

Plaintiffs,

vs.

ASARCO, L.L.C., a Delaware
limited liability company,

Defendant.

No. CV 08-441-MWB

JURY INSTRUCTIONS

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VERDICT FORM

INSTRUCTION NO. 1 - INTRODUCTION

Congratulations on your selection as a juror!

These Instructions are to help you better understand the trial and your role in it.

As I explained during jury selection, the plaintiffs, the Civil Rights Division of the Arizona Department of Law and Angela Aguilar, seek damages for sexual harassment and retaliation by ASARCO resulting in Ms. Aguilar's constructive discharge from her employment with ASARCO. ASARCO denies these claims.

You have been chosen and sworn as jurors to try the issues of fact related to the plaintiffs claims. In making your decision, you are the sole judges of the facts. You must not decide this case based on personal likes or dislikes, generalizations, gut feelings, prejudices, sympathies, stereotypes, or biases. The law demands that you return a just verdict, based solely on the evidence, your individual evaluation of that evidence, your reason and common sense, and these instructions. Do not take anything that I have said or done or that I may say or do as indicating what I think of the evidence or what I think your verdict should be.

You should consider and decide this case as an action between persons of equal standing in the community, of equal worth, and holding the same or similar stations in life. All persons and entities, including plaintiffs Civil Rights Division and Angela Aquilar and defendant ASARCO, stand equal before the law, and each is entitled to the same fair consideration. However, ASARCO acts only through its employees.

Please remember that this case is important to the parties and to the fair administration of justice. Therefore, please be patient, consider all of the evidence, and do not be in a hurry to reach a verdict just to be finished with the case.

You will indicate your verdict in a Verdict Form, a copy of which is attached to these Instructions. A verdict form is simply a written notice of your decision. When you have reached a unanimous verdict, your foreperson will complete one copy of the verdict form by marking the appropriate blank or blanks for each question. You will all sign that copy to indicate that you agree with the verdict and that it is unanimous. Your foreperson will then bring the signed verdict form to the courtroom when it is time to announce your verdict.

I will explain how you are to determine whether or not the plaintiffs have proved their claims. First, however, I must explain some preliminary matters, including the burden of proof, what is evidence, and how you are to treat the testimony of witnesses.

INSTRUCTION NO. 2 - BURDEN OF PROOF

Your verdict depends on what facts have been proved. Facts must be proved “by the greater weight of the evidence.” This burden of proof is sometimes called “the preponderance of the evidence.”

“Proof by the greater weight of the evidence” is proof that a fact is more likely true than not true.

- It does not necessarily depend on which side presented the greater number of witnesses or exhibits
- It requires you to consider all of the evidence and decide which evidence is more convincing or believable
 - For example, you may choose to believe the testimony of one witness, if you find that witness to be convincing, even if a number of other witnesses contradict that witness’s testimony
 - You are free to disbelieve any testimony or other evidence that you do not find convincing or believable.
- If, on any issue in the case, you find that the evidence is equally balanced, then you cannot find that the issue has been proved.

You may have heard of the term “proof beyond a reasonable doubt.” That is a stricter standard, which applies in criminal cases. It does not apply in civil cases, such as this one. Therefore, you should put it out of your minds.

INSTRUCTION NO. 3 - DEFINITION OF EVIDENCE

Evidence is

- Testimony. Testimony may be either “live” or “by deposition.” A deposition is testimony taken under oath before the trial and preserved in writing or on video. Consider that testimony as if it had been given in court.
- Answers to interrogatories. An interrogatory is a written question asked by one party of another, who must answer it under oath in writing. Consider interrogatories and the answers to them as if the questions had been asked and answered here in court.
- Exhibits admitted into evidence. However, just because an exhibit may be shown to you does not mean that it is more important than any other evidence.
- Stipulations, which are agreements between the parties. If the parties stipulate that certain facts are true, then you must treat those facts as having been proved.

Evidence is not

- Testimony that I tell you to disregard
- Exhibits that are not admitted into evidence
- Statements, arguments, questions, and comments by the lawyers

- Objections and rulings on objections
- Anything that you see or hear about this case outside the courtroom.

You may have heard of “direct” or “circumstantial” evidence.

- “Direct” evidence is direct proof of a fact. An example is testimony by a witness about what that witness personally saw or heard or did.
- “Circumstantial” evidence is proof of one or more facts from which you could find another fact. An example is testimony that a witness personally saw a broken window and a brick on the floor from which you could find that the brick broke the window.
- You should consider both kinds of evidence, because the law makes no distinction between their weight. The weight to be given any evidence, whether it is “direct” or “circumstantial,” is for you to decide.

Some evidence may be admitted only for a limited purpose.

- I will tell you if that happens
- I will instruct you on the purposes for which the evidence can and cannot be used.

INSTRUCTION NO. 4 - TESTIMONY OF WITNESSES

You may believe all of what any witness says, only part of it, or none of it.

In evaluating a witness's testimony, consider the following:

- the witness's
 - intelligence
 - memory
 - opportunity to have seen and heard what happened
 - motives for testifying
 - interest in the outcome of the case
 - manner while testifying
 - drug or alcohol use or addiction, if any
- the reasonableness of the witness's testimony
- any differences between what the witness says now and said earlier
- any inconsistencies between the witness's testimony and any other evidence that you believe
- whether any inconsistencies are the result of seeing or hearing things differently, actually forgetting things, or innocent mistakes or are, instead, the result of lies or phony memory lapses, and
- any other factors that you find bear on believability or credibility

You should not give any more or less weight to a witness's testimony just because

- The witness is a public official
- The witness is an expert

You may give any witness's opinion whatever weight you think it deserves, but you should consider

- The reasons and perceptions on which the opinion is based
- Any reason that the witness may be biased, and
- All of the other evidence in the case

It is your exclusive right to give any witness's testimony whatever weight you think it deserves.

INSTRUCTION NO. 5 - SEXUAL HARASSMENT

The plaintiffs' first claim is that Ms. Aguilar was subjected to sexual harassment in the form of a sexually hostile work environment. ASARCO denies this claim.

To win on this sexual harassment claim, the plaintiffs must prove the following elements by the greater weight of the evidence:

One, Ms. Aguilar was subjected to sexually offensive conduct or conditions by one or more co-workers.

Two, such conduct was unwelcome.

Three, such conduct was because of Ms. Aguilar's sex.

The hostile conduct

- did not have to be overtly sex- or gender-specific in content, use sexual language, involve sex or gender stereotypes, or involve sexual overtures
- may, but need not, be motivated by sexual desire
- may also be motivated by a desire to drive members of one sex out of the work place
- must have exposed members of one sex to disadvantageous terms or conditions of employment to which members of the other sex were not exposed.

***Four*, the conduct was sufficiently severe or pervasive to alter the conditions of Ms. Aguilar's employment and create a sexually abusive or hostile work environment.**

Whether conduct created a hostile work environment is determined by looking at all of the circumstances, including the following:

- the frequency of the harassing conduct
- the severity of the conduct
- whether the conduct was physically threatening or humiliating or a mere offensive utterance
- whether the conduct unreasonably interfered with an employee's work performance.

***Five*, Ms. Aguilar considered the working environment to be abusive or hostile.**

***Six*, a reasonable woman in Ms. Aguilar's circumstances would have considered the working environment to be abusive or hostile.**

***Seven*, the defendant or a member of the defendant's management knew or should have known of the harassment.**

A person is a member of management if the person has substantial authority and discretion to make decisions concerning the terms of the harasser's employment or the plaintiff's employment. Such authority includes

- authority to counsel, investigate, suspend, or fire the accused harasser
- authority to change the conditions of the plaintiff's employment.

A person who lacks such authority is nevertheless part of management if he or she has an official or strong duty in

fact to communicate to management complaints about work conditions. You should consider all the circumstances in this case in determining whether a person has such a duty.

***Eight*, despite such knowledge, the defendant failed to take prompt, effective remedial action reasonably calculated to end the harassment.**

The defendant's remedial action must be reasonable and adequate, in light of the following:

- the remedy's effectiveness in stopping the individual harasser from continuing to engage in such conduct
- the remedy's effectiveness in discouraging other potential harassers from engaging in similar unlawful conduct, and
- whether the remedy was proportionate to the seriousness of the offense.

If the plaintiffs have proved *all* of these elements by the greater weight of the evidence, *then* Ms. Aguilar is entitled to damages in some amount on the "sexual harassment" claim. You must also consider whether the "sexual harassment" caused Ms. Aguilar's "constructive discharge," as explained in Instruction No. 7.

INSTRUCTION NO. 6 - RETALIATION FOR SEXUAL HARASSMENT COMPLAINTS

The plaintiffs' second claim is that ASARCO retaliated against Ms. Aguilar for complaining about sexual harassment. ASARCO denies this claim.

To win on the "retaliation" claim, the plaintiffs must prove the following elements by the greater weight of the evidence:

One, Ms. Aguilar complained about conduct that was, or that she reasonably believed was, sexual harassment.

Informal as well as formal complaints are protected by law. You must determine whether the conduct involved in Ms. Aguilar's complaints of sexual harassment was or reasonably appeared to involve sexual harassment, as sexual harassment is explained in Instruction No. 5.

Two, ASARCO subjected Ms. Aguilar to an adverse employment action.

An "adverse employment action" is an action that might have dissuaded a reasonable worker from making or supporting a charge of harassment.

Three, Ms. Aguilar was subjected to the adverse employment action because of her complaints about sexual harassment.

If the plaintiffs have proved all of these elements by the greater weight of the evidence, then Ms. Aguilar is entitled to damages in some amount on the "retaliation" claim. You must also consider whether the "retaliation" caused Ms. Aguilar's "constructive discharge," as explained in Instruction No. 7.

INSTRUCTION NO. 7 - CONSTRUCTIVE DISCHARGE

The plaintiffs also contend that Ms. Aguilar was “constructively discharged,” that is, forced to quit her job, because of the “sexual harassment” and “retaliation.” Therefore, you will consider whether Ms. Aguilar was “constructively discharged” by the conduct at issue in a particular claim only if you find in the plaintiffs’ favor on that claim.

To prove that Ms. Aguilar was “constructively discharged,” the plaintiffs must prove the following:

The conduct in question made Ms. Aguilar’s working conditions so intolerable that a reasonable person in her position would have felt compelled to resign.

If you find that Ms. Aguilar was “constructively discharged” by the conduct at issue in a particular claim, then she may be entitled to additional damages on that claim that are only available if the conduct in question caused the loss of Ms. Aguilar’s employment, as explained in Instruction No. 9.

INSTRUCTION NO. 8 - DAMAGES: IN GENERAL

It is my duty to instruct you about the measure of damages. By instructing you on damages, I do not mean to suggest what your verdict should be on any claim.

If you find for the plaintiffs on a particular claim, you must determine Ms. Aguilar's damages.

- "Damages" are the amount of money that will reasonably and fairly compensate Ms. Aguilar for any injury that you find was caused by the defendant
- It is for you to determine what damages, if any, have been proved
- Any award must be based upon evidence and not upon speculation, guesswork or conjecture.

INSTRUCTION NO. 9 - DAMAGES: COMPENSATORY DAMAGES

The plaintiffs seek compensatory damages for “emotional distress” allegedly suffered by Ms. Aguilar as the result of the defendant’s conduct. “Emotional distress” is

- The mental or emotional pain and suffering, if any, that Ms. Aguilar experienced as a result of the defendant’s “sexual harassment” or “retaliation”
- The mental or emotional pain and suffering, if any, that Ms. Aguilar is reasonably certain to experience in the future as a result of the defendant’s “sexual harassment” or “retaliation.”

You may only award “emotional distress” damages from the loss of Ms. Aguilar’s employment if you find that the defendant’s conduct caused Ms. Aguilar’s “constructive discharge,” as explained in Instruction No. 7.

Damages for “emotional distress” cannot be measured by an exact or mathematical standard and do not require the plaintiff to present evidence of their monetary value. Thus, in deciding what sum to award as damages for “emotional distress,” consider the following:

- The nature and extent of the plaintiff’s injury
- Whether the injury is temporary or permanent
- The sum, if any, required to compensate the plaintiff for any emotional distress that she suffered from the time of the defendants’ wrongful conduct until the time of your verdict (past emotional distress)

- The sum, if any, required to compensate the plaintiff for any emotional distress that she is reasonably certain to suffer in the future (future emotional distress).

**INSTRUCTION NO. 10 - DAMAGES:
NOMINAL DAMAGES**

“Nominal damages” are awarded to vindicate a plaintiff’s rights under federal law, when the violation of those rights has not caused injury that can be valued in monetary terms. If you find for the plaintiffs on a particular claim, but you find that Ms. Aguilar has failed to prove “compensatory damages” as defined in Instruction No. 9 on that claim, then you must award “nominal damages.” In other words, do not award “nominal damages” on a claim if you award any “compensatory damages” on that claim. “Nominal damages” may not exceed one dollar.

INSTRUCTION NO. 11 - DAMAGES: PUNITIVE DAMAGES

If you find for the plaintiffs on a particular claim, you may, but are not required to, award punitive damages on that claim.

To get punitive damages on a particular claim, the plaintiffs must prove the following by the greater weight of the evidence:

One, punitive damages should be awarded.

You may award punitive damages only if the defendant acted

- with malice, that is, with ill will, or spite, or for the purpose of injuring the plaintiff

or

- with reckless indifference to the federally protected rights of the plaintiff, that is, in the face of a perceived risk that its actions would violate federal law.

Punitive damages may be awarded even if you award plaintiff only nominal, and not compensatory, damages.

Two, the amount of any punitive damages.

You must use reason in setting the amount of any punitive damages. The amount awarded

- must be sufficient to punish a defendant and to deter similar acts in the future
- must take into account the reprehensibility of the defendant's conduct
- must not reflect bias, prejudice, or sympathy toward any party

- must not be set in order to punish the defendant for harm to anyone other than Ms. Aguilar

Punitive damages may not be awarded to compensate Ms. Aguilar.

You may award different amounts of punitive damages, if any, on separate claims.

INSTRUCTION NO. 12 - OUTLINE OF TRIAL

I will now explain how the trial will proceed.

After I have read all but the last Instruction,

- The lawyers may make opening statements. An opening statement is not evidence, but simply a summary of what the lawyer expects the evidence to be.
- The plaintiffs will present evidence and call witnesses and the lawyer for the defendant may cross-examine them.
- The defendant may present evidence and call witnesses, and the lawyers for the plaintiffs may cross-examine those witnesses.
- The parties will make their closing arguments to summarize and interpret the evidence for you. Like opening statements, closing arguments are not evidence.
- I will give you the last Instruction, on “deliberations”
- You will retire to deliberate on your verdict.

INSTRUCTION NO. 13 - OBJECTIONS

The lawyers may make objections and motions during the trial that I must rule upon.

- If I sustain an objection to a question before it is answered, do not draw any inferences or conclusions from the question itself
- Do not hold it against a lawyer or a party that a lawyer has made an objection, because lawyers have a duty to object to testimony or other evidence that they believe is not properly admissible

INSTRUCTION NO. 14 - BENCH CONFERENCES

During the trial it may be necessary for me to talk with the lawyers out of your hearing.

- I may hold a bench conference while you are in the courtroom or call a recess
- These conferences are to decide how certain evidence is to be treated, to avoid confusion and error, and to save your valuable time, so please be patient
- We will do our best to keep such conferences short and infrequent

INSTRUCTION NO. 15 - NOTE-TAKING

You are allowed to take notes during the trial if you want to.

- Be sure that your note-taking does not interfere with listening to and considering all the evidence
- Your notes are not necessarily more reliable than your memory or another juror's notes or memory
- Do not discuss your notes with anyone before you begin your deliberations
- Leave your notes on your chair during recesses and at the end of the day
- At the end of trial, you may take your notes with you or leave them to be destroyed
- No one else will ever be allowed to read your notes, unless you let them

If you choose not to take notes, remember that it is your own individual responsibility to listen carefully to the evidence.

An official court reporter is making a record of the trial, but her transcripts will not be available for your use during your deliberations.

INSTRUCTION NO. 16 - CONDUCT OF JURORS DURING TRIAL

You must decide this case *solely* on the evidence and your own observations, experiences, reason, common sense, and the law in these Instructions. You must also keep to yourself any information that you learn in court until it is time to discuss this case with your fellow jurors during deliberations.

To ensure fairness, you must obey the following rules:

- Do not talk among yourselves about this case, or about anyone involved with it, until you go to the jury room to decide on your verdict
- Do not talk with anyone else about this case, or about anyone involved with it, until the trial is over
- When you are outside the courtroom, do not let anyone tell you anything about this case, anyone involved with it, any news story, rumor, or gossip about it, or ask you about your participation in it until the trial is over. If someone should try to talk to you about this case during the trial, please report it to me.
- During the trial, you should not talk to any of the parties, lawyers, or witnesses—even to pass the time of day—so that there is no reason to be suspicious about your fairness. The lawyers, parties, and witnesses are not supposed to talk to you, either.

- You may need to tell your family, friends, teachers, co-workers, or employer about your participation in this trial, so that you can tell them when you must be in court and warn them not to ask you or talk to you about the case. However, do not provide any information to anyone by any means about this case until after I have accepted your verdict. That means do not talk face-to-face or use any electronic device or media, such as the telephone, a cell or smart phone, Blackberry, PDA, computer, the Internet, any Internet service, any text or instant messaging service, any Internet chat room, blog, or website such as Facebook, MySpace, YouTube, or Twitter, to communicate to anyone any information about this case until I accept your verdict
- Do not do any research—on the Internet, in libraries, in the newspapers, or in any other way—or make any investigation about this case, the law, or the people involved on your own
- Do not visit or view any place discussed in this case and do not use Internet maps or Google Earth or any other program or device to search for or to view any place discussed in the testimony
- Do not read any news stories or articles, in print, on the Internet, or in any “blog,” about this case, or about anyone involved with it, or listen to any radio or television reports about it or about anyone involved with it, or let anyone tell you anything about any such news reports. I assure you that when you have heard all the evidence, you will know

more about this case than anyone will learn through the news media—and it will be more accurate

- Do not make up your mind during the trial about what the verdict should be. Keep an open mind until you have had a chance to discuss the evidence with other jurors during deliberations
- Do not decide the case based on “implicit biases.” As we discussed in jury selection, everyone, including me, has feelings, assumptions, perceptions, fears, and stereotypes, that is, “implicit biases,” that we may not be aware of. These hidden thoughts can impact what we see and hear, how we remember what we see and hear, and how we make important decisions. Because you are making very important decisions in this case, I strongly encourage you to evaluate the evidence carefully and to resist jumping to conclusions based on personal likes or dislikes, generalizations, gut feelings, prejudices, sympathies, stereotypes, or biases. The law demands that you return a just verdict, based solely on the evidence, your individual evaluation of that evidence, your reason and common sense, and these instructions. Our system of justice is counting on you to render a fair decision based on the evidence, not on biases
- If, at any time during the trial, you have a problem that you would like to bring to my attention, or if you feel ill or need to go to the restroom, please send a note to the Court Security Officer (CSO), who will give it to me. I want you to be comfortable, so please do not hesitate to tell us about any problem

I will read the remaining Instruction at the end of the evidence.

INSTRUCTION NO. 17 - DELIBERATIONS

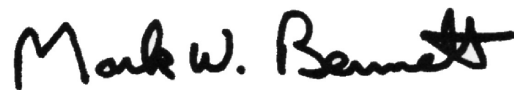
In conducting your deliberations and returning your verdict, there are certain rules that you must follow.

- When you go to the jury room, select one of your members as your foreperson to preside over your discussions and to speak for you here in court.
- Discuss this case with one another in the jury room to try to reach agreement on the verdict, if you can do so without violence to individual judgment. However, each of you must make your own conscientious decision, after considering all the evidence, discussing it fully with your fellow jurors, and listening to the views of your fellow jurors.
- Do not be afraid to change your opinions if the discussion with other jurors persuades you that you should, but do not come to a decision simply because other jurors think it is right, or simply to reach a verdict.
- Remember that you are not advocates, but judges—judges of the facts. Your sole interest is to seek the truth from the evidence in the case.
- If you need to communicate with me during your deliberations, you may send a note to me through the Court Security Officer, signed by one or more jurors. I will respond as soon as possible either in writing

or orally in open court. *Remember that you should not tell anyone—including me—how your votes stand numerically.*

- Base your verdict solely on the evidence and on the law as I have given it to you in my instructions. Nothing I have said or done is intended to suggest what your verdict should be—that is entirely for you to decide.
- Your verdict on each question submitted must be unanimous.
- Complete and sign one copy of the Verdict Form. The foreperson must bring the signed Verdict Form to the courtroom when it is time to announce your verdict.
- When you have reached a verdict, the foreperson will advise the Court Security Officer that you are ready to return to the courtroom.

DATED this 4th day of April, 2011.

A handwritten signature in black ink that reads "Mark W. Bennett". The signature is written in a cursive style with a horizontal line underneath the name.

MARK W. BENNETT
U. S. DISTRICT COURT JUDGE
NORTHERN DISTRICT OF IOWA
VISITING JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

THE STATE OF ARIZONA,
DEPARTMENT OF LAW, CIVIL
RIGHTS DIVISION, and ANGELA
AGUILAR,

Plaintiffs,

vs.

ASARCO, L.L.C., a Delaware
limited liability company,

Defendant.

No. CV 08-441-MWB

VERDICT FORM

On the claims of the plaintiffs, we, the Jury, find as follows:

SEXUAL HARASSMENT	
Step 1: Verdict	<div style="border: 1px solid black; padding: 5px; min-height: 100px;">On the plaintiffs' claim of sexual harassment, as explained in Instruction No. 5, in whose favor do you find? <i>(If you find in favor of the plaintiffs on this claim, then consider additional questions on this claim. However, if you find in favor of ASARCO, then do not consider any more Steps in this section of the Verdict Form. Instead, go on to consider your verdict on the plaintiffs' claim of retaliation for sexual harassment complaints.)</i></div> <div style="display: flex; justify-content: space-around; border-top: 1px solid black; padding-top: 5px;">___ The plaintiffs___ ASARCO</div>
Step 2: Constructive Discharge	<div style="border: 1px solid black; padding: 5px; min-height: 100px;">If you found in favor of the plaintiffs in Step 1, do you find that Ms. Aguilar was constructively discharged by sexual harassment, as "constructive discharge" is explained in Instruction No. 7? <i>(Remember that Ms. Aguilar can only receive damages for emotional distress from loss of her job on this claim if she was "constructively discharged" by the sexual harassment, as explained in Instructions Nos. 7 and 9.)</i></div> <div style="display: flex; justify-content: space-around; border-top: 1px solid black; padding-top: 5px;">___ Yes___ No</div>

Step 3: Compensatory Damages	<i>If you found in favor of the plaintiffs in Step 1, what amount, if any, do you award for the following items of “compensatory damages” on this claim, as such damages are explained in Instruction No. 9? (If you find that the plaintiffs have failed to prove compensatory damages, then you must award “nominal damages” in Step 4.)</i>	
	\$ _____ for past emotional distress	
	\$ _____ for future emotional distress	
Step 4: Nominal Damages	<i>If you found for the plaintiffs on this claim, but you find that Ms. Aguilar has failed to prove “compensatory damages” as defined in Instruction No. 10 on this claim, then you must award “nominal damages,” as explained in Instruction No. 10. (Do not award “nominal damages” if you awarded compensatory damages in Step 3. “Nominal damages” may not exceed \$1).</i>	
	\$ _____ for nominal damages.	
Step 5: Punitive Damages	<i>If you found in favor of the plaintiffs in Step 1, what amount, if any, do you award for “punitive damages” on this claim, as such damages are explained in Instruction No. 11?</i>	
	\$ _____ for punitive damages	
RETALIATION FOR SEXUAL HARASSMENT COMPLAINTS		
Step 1: Verdict	On the plaintiffs’ claim of retaliation for sexual harassment complaints, as explained in Instruction No. 6, in whose favor do you find? <i>(If you find in favor of the plaintiffs on this claim, then consider additional questions on this claim. However, if you find in favor of ASARCO, then do not consider any more Steps in this section of the Verdict Form. Instead, notify the Court Security Officer (CSO) that you have reached a verdict.)</i>	
	_____ The plaintiffs	_____ ASARCO
Step 2: Constructive Discharge	<i>If you found in favor of the plaintiffs in Step 1, do you find that Ms. Aguilar was constructively discharged by retaliation, as “constructive discharge” is explained in Instruction No. 7? (Remember that Ms. Aguilar can only receive damages for loss of her job on this claim if she was “constructively discharged” by retaliation, as explained in Instructions Nos. 7 and 9.)</i>	
	_____ Yes	_____ No

Step 3: Compensatory Damages	<i>If you found in favor of the plaintiffs in Step 1, what amount, if any, do you award for the following items of “compensatory damages” on this claim, as such damages are explained in Instruction No. 9? (If you find that the plaintiffs have failed to prove compensatory damages, then you must award “nominal damages” in Step 4.)</i>
	\$ _____ for past emotional distress
	\$ _____ for future emotional distress
Step 4: Nominal Damages	<i>If you found for the plaintiffs on this claim, but you found that Ms. Aguilar has failed to prove “compensatory damages” as defined in Instruction No. 10 on this claim, then you must award “nominal damages,” as explained in Instruction No. 10. (Do not award “nominal damages” if you awarded compensatory damages in Step 3. “Nominal damages” may not exceed \$1).</i>
	\$ _____ for nominal damages.
Step 5: Punitive Damages	<i>If you found in favor of the plaintiffs in Step 1, what amount, if any, do you award for “punitive damages” on this claim, as such damages are explained in Instruction No. 11?</i>
	\$ _____ for punitive damages

Date: _____ **Time:** _____

_____	_____
Foreperson	Juror
_____	_____
Juror	Juror
_____	_____
Juror	Juror
_____	_____
Juror	Juror

